

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXIII of the *Brevier Legislative Reports*.]

IN SENATE.

MONDAY, MARCH 16, 1885—10 a. m.
The Senate met pursuant to adjournment, the Senator from Marion (Mr. Winter) in the chair, who stated he was requested by the Lieutenant Governor to call the Senate to order this morning.

The Divine blessing was invoked by a representative from the county of Wayne (Rep. J. M. Townsend).

The reading of the Secretary's minutes of Saturday's proceedings was dispensed with.

NEW PROPOSITIONS.

The following described bills were introduced, read the first time and severally referred to appropriate committees:

By Mr. HOOVER (S. 357) to amend Section 9 of the election law of March 21, 1881, so as to authorize County Commissioners to make such changes in election precincts as the public good may demand.

By Mr. MARSHALL (S. 358) requiring notaries public to make statement under their official signatures of the time when their commissions expire.

By Mr. MAGEE (S. 359) supplemental to the law for the incorporation of voluntary associations, requiring mutual assessment insurance companies to file copies of their articles of association with the Auditor of State.

By Mr. ADKINSON (S. 358) providing for the appointment of a commission of three members, to be appointed by the Governor and Lieutenant Governor, who shall meet in the city of Indianapolis, for a period not to exceed over sixty days, and shall draft a bill fixing the fees and salaries of county officers and employees of the State institutions and General Assembly, and report the same to the next Legislature.

By Mr. FOULKE (S. 359) providing that County Commissioners shall not authorize any expenditure in excess of \$25,000, without first obtaining the consent of a majority of the taxpayers of the county, which may be expressed at any general election.

Mr. WEIR returned from the Committee on Claims a House concurrent resolution providing extra pay of \$200 for each member of the Senate Prison Commission for visiting the Northern and Southern Prisons, which was concurred in.

SPEAKER'S COURT CLERK.

Mr. Macy's bill (S. 89) for an act to amend Sections 1 and 7 of an act entitled an act providing for the election and prescribing certain duties of the Clerk of the Supreme Court, approved May 13, 1882, and declaring an emergency, was read the second time and ordered engrossed.

DECLARATION OF NEW LANDS.

On motion by Mr. WEIR, the bill (S. 171) to amend Section 9 of an act entitled an act to enable the owners of lands to drain and reclaim when the same can not be done without affecting the land of others, etc., was referred to the Committee on Phreology.

Mr. SELLERS, from the Committee on Phreology, returned the bill (S. 171) with a report recommending an amendment to the title 4,293 of the Revised Statutes of 1881, which was concurred in.

Subsequently Mr. WEIR read the second time and ordered engrossed.

TO ABOLISH A STATE OFFICE.

Mr. FOWLER'S bill (S. 103) to repeal an act entitled an act providing for the establishment of a State Bureau of Statistics and Geology, creating the office of Chief of such Department, defining his duties, etc., was read the second time with a committee report providing for its abolition.

On motion by Mr. MCINTOSH, who favored the bill, it was laid on the table till the author shall appear.

SOLDIERS' MONUMENTS.

Mr. Ensley's bill (S. 148) to empower County Commissioners to appropriate money for the erection of soldiers' monument, was read the second time, with a committee report recommending amendments.

The report was concurred in.
Mr. ENSLEY moved to further amend by striking out the words "upon a petition of a majority of the taxpayers of such county,"

Mr. MCINTOSH: This amendment would leave the bill as originally introduced. The committee changed the bill so that the consent of a majority shall be obtained before the erection of the monument. This amendment proposes to destroy the will of the taxpayers, and allow the County Commissioners to go ahead and erect a monument without consulting the will of the taxpayers.

Mr. SELLERS made the point of order that this amendment should have been proposed as an amendment to the report of the committee, and that it is not competent now to strike out an amendment already adopted by the Senate.

Mr. SMITH, of Jay, suggested the way to get at it would be to reconsider the vote adopting the amendment.

Mr. FOULKE did not consider that concurrence in a committee report precludes further amendments, even in such a case as this.

The PRESIDING OFFICER (Mr. Winter) sustained the point of order.
Mr. FOULKE moved to reconsider the vote by which the report of the committee was concurred in, in order to enable the Senator from De Kalb (Mr. Ensley) to offer his amendment.

The motion was agreed to.
Mr. ENSLEY now offered his amendment as an amendment to the report of the committee. He said: I hope that this amendment will prevail. This bill now provides that by a petition of a majority of the taxpayers of such county, the County Commissioners may appropriate money out of the county revenue, etc. I think that if this bill passed, as it now is, it will prove a dead letter and be inoperative. I think that the counties of this State should build their soldiers' monument. And there is strong and fast-growing feeling throughout the State in favor of such monuments.

Mr. FOULKE: This objection would apply as well to any part of the bill as to the part proposed to be struck out. There is no reason for striking out those words.

Mr. CAMPBELL, of Hendricks: The amendment would lead to some trouble; while the bill as it stands would produce more. The clause fixes the matter. I hope this bill will be passed without the amendment. The sooner these distinctions are abolished the better. We have been unable to determine the status of woman. Give her an identity; the sooner we reach this end the better.

Mr. McCULLOUGH suggested a difficulty. On motion of Mr. WEIR the bill and pending amendments were made the special order for tomorrow at 2 o'clock.

Then came a recess for dinner.

THE INDIANAPOLIS DAILY SENTINEL TUESDAY MORNING, MARCH 17 1885.

vail, and I want to see the day when the proud State of Indiana will erect one grand monument as the capital of the State in commemoration of its soldier dead that will stand and tower high toward the skies, splitting the clouds as they pass swiftly by, with a soldier statuary on its top at order arms, as a warning to all future generations of the price of war, which would be a monument of beauty and an honor to the State, and which would tend to spread patriotism and loyalty all over Indiana. I hope my amendment will prevail.

Mr. SELLERS: It is always safe to leave such questions to a majority of residents. He opposed authorizing such an additional tax levy in addition to prevent burdens.

Mr. MCINTOSH: The author of the bill states that a majority consent would be difficult to obtain. Yet there are petitions signed by majorities in favor of the Legislature voting money to relieve officials who have lost money belonging to the public, and certainly a petition as large would be obtained for more meritorious cases.

Mr. CAMPBELL, of Hendricks: This is a question of social importance. The committee recommend that such appropriations shall not be made without a petition of a majority of taxpayers. He favored the amendment. He moved the further consideration of the bill be postponed till 2:30 o'clock, and made the special order for that hour, as it is desirable there shall be a full Senate present when a vote is taken on this matter.

The motion was agreed to.

MORE SENATE EMPLOYEES.
Mr. McCULLOUGH submitted a communication signed by himself as Chairman of the Judiciary Committee, announcing his appointment of a clerk for that committee for the special session.

A Senator: A senate resolution has been passed with all committee clerks.

Mr. WILLARD thought the statute could not be amended by a resolution. The statute allows clerks for committees.

Mr. BENZ did not think the Judiciary Committee needs a clerk.

Mr. MAY insisted that committees under the statute can appoint clerks, and he made the motion is out of order.

Mr. RAHM moved the resolution be referred to a select committee of three.

Mr. SMITH, of Jay: The statute provides certain clerks may be appointed by certain committees, and he made the point of order that the motion is out of order.

Mr. RAHM withdrew his motion.

The recommendation from the Chairman of the Judiciary Committee was concurred in.

Mr. MAY offered a resolution authorizing the Doorkeeper to appoint a paper folder whose pay shall date from the first of the session, in order to settle the question raised just now.

Mr. MCINTOSH raised the point of order that this resolution is out of order.

The PRESIDING OFFICER overruled this point of order.

Mr. MCINTOSH insisted there was no need of this employe.

Mr. MAY: If this employe is not needed then repeal the statute.

Mr. OVERSTREET: If there is no need for an employe such an one can be discharged or not employed. The statute does not compel the employment of any officer or clerk. There has been a resolution passed by the Senate discharging all these employes.

There are but three officers fixed by law, the principal and assistant Secretary and the Doorkeeper. The rest are employes. Unless there can be a necessity shown for restoring them they should not be re-employed.

Mr. FAULKNER: It seems the statute is susceptible of easy construction. In regard to committee clerks the standing committee can employ any more clerks than the statute entitles them to. In regard to the paper folder, the Doorkeeper has the right to employ that employe among others, according to the statute; the Senate only has control of those employes as to the pay.

Mr. YOCHE moved to amend the resolution by so changing it that the Doorkeeper may have the right to appoint.

Mr. MAY accepted the amendment.

The resolution was adopted by yeas 23, nays 9.

Reading the roll call—
Mr. ADKINSON, in explanation, said: Inasmuch as the Democratic party is in the majority and competent to run this Legislature for this forty days session, I vote "aye."

Mr. JENKINS, when his name was called, said: I am opposed to any employe, but as the Judiciary Committee has just got a committee clerk without opposition, I think the Doorkeeper ought to have a paper folder. I vote "aye."

Mr. FOULKE, in explanation of his vote, said: As I believe the Doorkeeper has an undoubted right to employ a paper folder, I vote "aye."

Mr. SMITH, of Jennings, asked and obtained an excuse from voting.

On motion by Mr. JOHNSON of Tippecanoe, his bill (S. 359) for an act to be entitled an act to authorize the Board of Trustees of any school city to pay out of the special school funds of such city for real estate purchased for a public library was taken up. He explained its provisions as follows:

The bill was read the third time and passed by yeas 24, nays 9.

WOMAN'S RIGHTS.

Mr. Foulke's bill (S. 122) for an act to amend all disabilities of married women, imposing upon them the same obligations as unmarried women, and removing the disabilities of coverture, was read the second time, with a favorable majority report and a minority report recommending that it lie on the table.

On motion by Mr. FOULKE the majority report was concurred in.

Mr. YOCHE moved to strike from Section 3 all after the words "unmarried women."

Mr. FOULKE opposed the amendment. The object of retaining the words proposed to be struck out is to allow the statute of limitation to apply to women.

Mr. YOCHE opposed any clause that would give the bill a retroactive application. If such a bill is passed applicable to the future it can be productive of no harm.

Mr. FOULKE: This objection would apply as well to any part of the bill as to the part proposed to be struck out. There is no reason for striking out those words.

Mr. CAMPBELL, of Hendricks: The amendment would lead to some trouble; while the bill as it stands would produce more. The clause fixes the matter. I hope this bill will be passed without the amendment. The sooner these distinctions are abolished the better. We have been unable to determine the status of woman. Give her an identity; the sooner we reach this end the better.

Mr. McCULLOUGH suggested a difficulty. On motion of Mr. WEIR the bill and pending amendments were made the special order for tomorrow at 2 o'clock.

Then came a recess for dinner.

AFTERNOON SESSION.

Mr. SMITH'S, of Jennings, bill (S. 143) concerning the sale of real estate for delinquent taxes, and providing for the redemption thereof, and declaring an emergency, was read the second time, with committee recommendations for amendment.

The report was concurred in.

On motion by Mr. WEIR this vote was reconsidered. He insisted the penalty was too high and the time for redemption too

short as fixed by the committee amendments.

Mr. YOCHE referred to objections made before the committee, and believed the amendments proposed were of so great value that without them he could not vote for the bill. It is necessary to have a stringent law for the collection of taxes. If the law is so lax that it pays a man to let his taxes go delinquent many will do so. While the man who acts honestly with the State is more heavily burdened. The man delinquent has a longer time to pay up than debtors usually have. Small delinquent land titles will not be purchased unless there is a penalty sufficient to reimburse what is paid out, and also for what the purchaser may have to pay an attorney. Compound interest can not be collected—the court has so decided.

Mr. WEIR: It looks like it works a great hardship. I would vote for the bill as originally introduced.

Mr. SMITH, of Jennings: I have made examination of existing laws, and this bill will operate beneficially to all classes. I had better take a half hour than get no bread. I contend that on land sold on execution the owner should have the equitable right to redeem by due course of law. The kind of laws we have in reference to sale for delinquent taxes is class legislation—a specific kind of laws reënacted for a certain class of people, and a more able class reap the benefits. There should be a right to redeem in one year, but the Judiciary Committee compromised by putting the time at six months. It is conceded the right of redemption interest. There should be no law on the subject I consented to the six months redemption clause. There should be no exception, but the law should be to give the right to redeem in one year as in other cases. I find Senators who were opposed to this bill in the session are now converted of its equity and right.

Mr. SELLERS moved to concur in the report.

Mr. CAMPBELL, of Hendricks, moved to concur in the committee amendment which proposed to make the bill prospective and not retroactive.

Mr. FOULKE: The committee has acted wisely in proposing these amendments. There should be no law retroactive if there could be. The State must provide means to enforce collection from taxpayers. This is a necessary law for the State. It is too high, but who would be so foolish as to invest his money for only 10 per cent. in such a way? With the committee amendments bids may be secured for most of tax sales. All the committee amendments are salutary.

Mr. YOCHE moved to amend the report of the committee by providing in Section 2 that the owner shall have the right to redeem by paying in six months the full amount paid by the purchaser, with 8 per cent. interest.

The motion to amend was rejected upon a division.

Mr. McCULLOUGH moved to strike out of the report of the committee the repealing clause. It is a dangerous provision; at any rate, it would lead to a great deal of litigation.

The amendment was agreed to.

The report of the committee as amended was concurred in.

The bill was ordered engrossed.

SOLDIERS' MONUMENTS.
Mr. Ensley's bill (S. 148), considered this forenoon, was taken up as the special order for this hour, and read the second time, with a committee report recommending an amendment to the title 4,293 of the Revised Statutes of 1881, which was concurred in.

Mr. FAULKNER: It seems the statute is susceptible of easy construction. In regard to committee clerks the standing committee can employ any more clerks than the statute entitles them to. In regard to the paper folder, the Doorkeeper has the right to employ that employe among others, according to the statute; the Senate only has control of those employes as to the pay.

Mr. YOCHE moved to amend the resolution by so changing it that the Doorkeeper may have the right to appoint.

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6,373 Revised Statutes of 1881, was read the second time and ordered engrossed.

Mr. Benz's bill (S. 161) prescribing certain duties of County Clerks and Prosecuting Attorneys, and authorizing summons of witnesses to appear before Grand Juries, and other matters connected therewith, was read the second time with a majority report that it lie on the table and a minority report that the bill pass.

On motion by Mr. BENZ the minority was substituted for the majority report.

The bill was ordered engrossed.

"RECORDING OF LIENS AND MORTGAGES."
Mr. Hilligass's bill (S. 170) concerning liens and mortgages on real estate, was read the second time.

Mr. ADKINSON regarded this bill as a dangerous bill, and hoped the report of the committee will not be concurred in.

Mr. FOULKE: I think the bill is a proper one—one of the very best that has come before this Legislature. Instead of being a means of promoting fraud is the only means of avoiding fraud. It is the law now in two-thirds of the United States. What earthly objection can there be to this law?

Mr. WEIR: I hope this bill will not be ordered engrossed. I move the bill and amendment be laid on the table.

This motion was agreed to upon a division—affirmative, 18; negative, 15.

Mr. Schoss's bill (S. 175) to amend Section 1 of an act entitled an act providing for a metropolitan police in all cities of 25,000 or more inhabitants, and for the appointment of a Board of Police, was read the second time.

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Mr. WEIR: I hope this bill will not be ordered engrossed. I move the bill and amendment be laid on the table.

no necessity for further legislation on this question. I am not here to violate the wishes of a county I do not represent. As it has been stated here that the bondsmen of Jefferson: B. Clemmon were not willing to continue while the deputy, George B. Clemmon, served, I desire to have a memorial read from them. The memorial was here sent to the Reading Clerk, who read a communication from two bondsmen, who stated they were satisfied with the Deputy Recorder.

Mr. HIVERS: I do not see why the bill should not pass. It seems to be the wish of the people of Johnson County.

Mr. ADAMS moved to recommit the bill to the Committee on Judiciary with the amendment that the bill should not affect any officer or deputy serving prior to the passage of the bill.

Mr. REEVES moved to lay the motion to recommit with instructions on the table.

The motion to lay on the table was not decided—no quorum being present. The yeas were 25, the nays 30.

Mr. HOBAN, explaining his vote, said: I understand this bill is meant to displace a poor man who is lame, in favor of a partisan. I can not vote for such a proposition. We have got along well enough for seventy years without the law proposed in the bill, and we can get along seventy more years without it. I vote "no."

The vote was then announced as above. No quorum voting.

The House adjourned until 9 o'clock tomorrow morning.

Real Estate Transfers.
The following deeds were recorded Monday, March 16, as reported by Steeg & Bernamer, abstract compilers, 12 and 15 Thorpe Block, telephone, 1,045:

Arthur L. Wright and wife to David Thorne, warranty deed to lots 25, 27, 28 and lot 29 in block 7 in S. A. Fletcher, Jr.'s northeast addition to the city of Indianapolis.....\$2,800 00

Frederick S. Hartman to S. A. Fletcher, Jr., warranty deed to lot 22 in Burton's addition to North Indianapolis..... 50 00

James C. Newman and wife to S. A. Fletcher, Jr., warranty deed to lot 22 in Burton's addition to North Indianapolis..... 50 00

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